

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**City of Fayetteville Arkansas
City Council Meeting Minutes
June 19, 2012**

A meeting of the Fayetteville City Council was held on June 19, 2012 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Boudreaux, Kinion, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report

Alderman Gray gave the Nominating Committee Report.

Alderman Gray moved to approve the Nominating Committee Report. Alderman Boudreaux seconded the motion. Upon roll call the motion passed unanimously.

A copy of the report is attached.

Agenda Additions: None

Consent:

Approval of the June 5, 2012 City Council meeting minutes.

Approved

MailCo, Inc.: A resolution to approve a contract with MailCo, Inc. for one year's mailing services at an approximate cost of \$246,072.51 with an option to renew the contract for another four years.

Resolution 124-12 as recorded in the office of the City Clerk.

Bid #12-42 RP Power, LLC: A resolution awarding Bid #12-42 and authorizing the purchase of one (1) power generator from RP Power, LLC in the total amount of \$69,712.43 for use at the Owl Creek lift station, and approving a budget adjustment.

This item was removed from the Consent Agenda for discussion.

Bid #12-44 Heavy Constructors of Arkansas, LLC & General Trucking Solutions, LLC: A resolution awarding Bid #12-44 and authorizing the purchase of topsoil from Heavy Constructors of Arkansas, LLC as a primary supplier and General Trucking Solutions, LLC as a secondary supplier, for the unit prices stated, as needed through the end of calendar year 2012.

Resolution 125-12 as recorded in the office of the City Clerk.

Bid #12-45 Scurlock Industries & Neenah Foundry Company: A resolution awarding Bid #12-45 and authorizing the purchase of tree grates from Scurlock Industries as a primary supplier and Neenah Foundry Company as a secondary supplier for the unit prices stated, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2012.

Resolution 126-12 as recorded in the office of the City Clerk.

Arkansas Air and Military Museum, Inc.: A resolution approving a lease agreement with Arkansas Air and Military Museum, Inc. for facilities at 4290 S. School Avenue and 4360 S. School Avenue to provide an air museum at Fayetteville Executive Airport-Drake Field.

Resolution 127-12 as recorded in the office of the City Clerk.

Bid #12-46 Pavement Maintenance Unlimited, LLC: A resolution awarding Bid #12-46 and authorizing a contract with Pavement Maintenance Unlimited, LLC for pavement rehabilitation and re-marking at Fayetteville Executive Airport-Drake Field in the amount of \$99,190.00, approving Change Order No. 1 to the contract in the amount of \$22,050.00, both contingent upon the receipt of grant funding, authorizing acceptance of grant funding to fund ninety-five percent (95%) of the project, approving a project contingency in the amount of \$7,012.00, and approving a budget adjustment.

Resolution 128-12 as recorded in the office of the City Clerk.

Bid #12-52 Electrical Resources, Inc. DBA Milford Sign Co.: A resolution awarding Bid #12-52 and approving a contract with Electrical Resources, Inc. DBA Milford Sign Co. in the amount of \$20,910.00 for the construction of park entry signs, and approving a ten percent (10%) project contingency.

Resolution 129-12 as recorded in the office of the City Clerk.

MSI Consulting Group, LLC: A resolution approving a software license and lease contract amendment with MSI Consulting Group, LLC to provide access to twenty-six (26) users to the Virtual Justice Comprehensive Case Management System at a rate of \$1,700.00 per month, plus applicable taxes.

Resolution 130-12 as recorded in the office of the City Clerk.

Ranger's Pantry Pet Food Bank Grant Acceptance: A resolution to accept a generous grant in the amount of \$2,000.00 from the American Society for the Prevention of Cruelty to Animals for the Ranger's Pantry Pet Food Bank and to approve a budget adjustment recognizing this revenue.

Resolution 131-12 as recorded in the office of the City Clerk.

Ranger's Pantry Pet Food Bank Donation: A resolution to approve a budget adjustment in the amount of \$1,553.00 and to thank our generous citizens for donating to the Ranger's Pantry Pet Food Bank.

Resolution 132-12 as recorded in the office of the City Clerk.

Community Development Block Grant: A resolution to approve a budget adjustment in the amount of \$5,518.00 to recognize Community Development Block Grant program income received from a lien payoff.

Resolution 133-12 as recorded in the office of the City Clerk.

RFP #12-02 Cox Arkansas Telecom, LLC DBA Cox Business: A resolution awarding RFP #12-02 and approving a contract for a period of three years, with two one-year automatic renewal options, with Cox Arkansas Telecom, LLC DBA Cox Business in an annual amount of \$197,036.40 (subject to a \$7,000.00 credit in year one), and for the optional modification and/or expansion costs and long distance charges quoted, for City Telecommunications Services.

Resolution 134-12 as recorded in the office of the City Clerk.

Bid #12-43 Edwards Design & Construction, Inc.: A resolution awarding Bid #12-43 and approving a contract with Edwards Design & Construction, Inc. in the amount of \$1,589,482.00 for relocation and improvement of water and sewer lines near Arkansas State Highway 16

(Huntsville Road), approving a project contingency of five percent (5%), and approving a budget adjustment.

Resolution 135-12 as recorded in the office of the City Clerk.

Alderman Gray moved to approve the Consent Agenda as read with Bid #12-42 RP Power, LLC removed for discussion. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

The following item was removed form the Consent agenda for discussion

Bid #12-42 RP Power, LLC: A resolution awarding Bid #12-42 and authorizing the purchase of one (1) power generator from RP Power, LLC in the total amount of \$69,712.43 for use at the Owl Creek lift station, and approving a budget adjustment.

Mayor Jordan: We are going to pull this off the agenda correct?

Don Marr, Chief of Staff: It needs to be tabled indefinitely.

Alderman Ferrell moved to table the resolution indefinitely. Alderman Boudreaux seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled indefinitely.

Unfinished Business:

RZN 12-4077 Halsell Road/Pratt Place Inn Appeal: An ordinance rezoning that property described in rezoning petition RZN 12-4077, for approximately 2.37 acres, located on Halsell Road from C-PZD, Commercial Planned Zoning District, to RSF-4, Residential Single-Family, 4 units per acre, subject to the offered Bill of Assurance. ***This ordinance was left on the Second Reading at May 15, 2012 City Council meeting. This ordinance was left on the Third Reading at June 05, 2012 City Council meeting. This ordinance was Tabled at the June 05, 2012 City Council meeting to the June 19, 2012 City Council meeting.***

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis: Jeremy can you explain the difference between the processes between this type of lot split process versus a large scale development process when the idea is brought to Planning?

Jeremy Pate explained the differences between the processes.

Alderman Lewis: So a lot split has the same setback expectations? The main difference is administration versus Planning Commission approval.

Jeremy Pate replied yes and continued explaining the differences.

Alderman Ferrell: On the proposed site that these homes will be built, were you satisfied?

Jeremy Pate: We haven't reviewed any formal plans but I did state that safety is always something we review as any part of an application for development. I would not instruct my staff to approve a project that would increase traffic danger.

Tim Crane, resident of 177 W. Halsell Road expressed his concerns and stated I am opposed to the ordinance.

Julian Archer, the applicant gave a brief description of the lot split.

Alderman Boudreaux: Some of the comments we have received were that there was a commitment made with the PZD that it would be kept whole. Can you explain to me why you have changed your mind?

Julian Archer explained his reasons for requesting the change.

Fran Alexander, resident of 1946 Fox Hunter Road and half owner of the property that borders Mr. Archer's property expressed her concerns and stated this is something that could be challenged again. She went on to speak against the ordinance.

Alderman Ferrell: Fran, do you expect there will be many people that live there today that will deed their property to be preservation areas in the future, or do you think they will ultimately be sold for development?

Fran Alexander: I don't know because Mr. Archer owns most of the property there.

Alderman Petty: You said the commitment was made to maintain the rest of the property as a buffer from the commercial activity to the neighborhood. I am wondering what a residential development on the edge of the PZD does to change the buffer from the commercial development.

Fran Alexander explained that the barn is closer to the neighbors on Sang than to her property. She stated this development backs up to us in an area where it would be only one lot between our property and the back of a home. Had we known it was not going to be left that way during the PZD process, we would have opposed this.

Alderman Petty: So you are saying that you perceived the commitment at that time was to buffer the neighborhood from any development, not just commercial activity.

Fran Alexander: Essentially yes.

John Davidson, resident of 221 N. Locust and the developer stated in case anyone has questions I am available.

Alderman Lewis stated the main concern I have heard from the neighbors is the need for treatment to the corner on Halsell and the increase in traffic along with the change in the PZD. She pointed out the concerns she had.

Jeremy Pate clarified the PZD process and stated this is looking at the impact of the lots or development.

Alderman Lewis: My concern is that this would not go through a public process and would reduce the likelihood of street improvements if this comes forward.

City Attorney Kit Williams: The public process would not have any affect on whether or not we could require them to improve the road. It's not the public process; it's just how much impact there would be.

Alderman Lewis stated still the street improvements are a concern for me on this. She expressed her concerns with changing the PZD and stated I probably will not support it at this time.

Alderman Adams stated I own a house on Halsell Road and we have some very serious problems on Halsell right now. She expressed her concerns with the impact this was going to have on the traffic, sidewalks and particularly considering we are going to have more impact on the trip to the high school from the west side of town.

Alderman Petty stated a development is the best opportunity to make improvements happen. I am hoping that some of the former Aldermen who were here then can speak to their perceptions of those conversations as well. That is what is going to make up my mind and help me make a decision tonight.

Mayor Jordan shared his recollections of past meetings when the PZD was approved.

Alderman Boudreaux also shared her recollections of the past meetings. She stated I feel like this will probably be the only portion that will be carved out of the original PZD and I am having difficulty not supporting their appeal.

Alderman Ferrell: Halsell is a problem but the real reason this room fills up anytime someone wants to change anything west or north of Razorback Road is that the people like it the way it is and I don't blame them. I do not think that everyone up there is going to leave their property to a nature conservancy. I will support it.

Alderman Gray: We have to remember that sometimes there needs to be changes. I'm sure the Archer's did not intend to sell off the property but also did not see the recession coming.

Alderman Tennant: I don't like the idea of weakening a PZD or overturning the Planning Commission. I agree with people up here who have said that a lot of our streets have problems. The idea of this developing could be a help to that road in the long run. I will support it.

Alderman Ferrell: I think it would be good for somebody to improve Halsell Road. That is ultimately going to be part of resolution to the whole thing.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-3. Alderman Tennant, Ferrell, Gray, Boudreaux and Petty voting yes. Alderman Adams, Lewis and Kinion voting no.

Ordinance 5506 as Recorded in the office of the City Clerk

Proposed 2013-2017 Five-Year Capital Improvements Plan: A resolution adopting the 2013-2017 Five-Year Capital Improvements Plan. ***This resolution was tabled at the June 05, 2012 City Council meeting to the June 19, 2012 City Council meeting.***

Paul Becker, Finance Director gave a brief description of the resolution.

Alderman Ferrell: What is the thinking on the public safety amounts?

Paul Becker stated we have incorporated apparatus or fire trucks into the plan. That year has been identified for the replacement of a ladder truck which is far more expensive than the normal pumpers.

Alderman Ferrell: Under Solid Waste why the spike in 2013 and then down a couple hundred thousand the rest of the year?

Paul Becker: We are looking at the Solid Waste transfer station expansion, a recycling bailer and a composite site expansion.

Don Marr: The Solid Waste plan is going to come back for a full discussion with the Council as a result of the master plan of a processed collection system etc. This is the one part of this plan that I think you could see dramatic changes based on your decisions on a solid waste design.

Alderman Ferrell: Part of the predicate on previously capital expenditures was on the operating cost of the sewer part, once we made improvements it was going to save us money in the long haul which I think it is. I am assuming we will see that in the yearly funding if we go along.

Don Marr: On the Solid Waste item it would be geared around processing to create higher commodity sales to generate revenue which is an upcoming Council discussion in general about what direction you want to go. He went on to explain the revenue coming from the recyclable collections, etc.

Alderman Lewis clarified Don Marr's statements. She stated we need to do a better job of telling the story of the money and what we are actually getting in return. She requested that we include, as part of the discussion for capital improvement, an education director for our recycling. We have talked about increasing our investment in drainage. What is the story related to further investing in drainage improvements.

Paul Becker explained past conversations on drainage improvements.

Alderman Lewis: There has been talk about bringing back to the table stormwater utility so I will just follow up with you.

Paul Becker: These are all discussions that are going to take place and we are going to look at during budget time.

Mayor Jordan stated its massive stuff that I don't know how we are going to pay for it.

Alderman Petty moved to approve the resolution. **Alderman Adams** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 136-12 as recorded in the office of the City Clerk.

Amend §173.08 Arkansas Energy Code: An ordinance to amend §173.08 Arkansas Energy Code of the building regulations chapter of the U.D.C. to adopt the 2009 Residential International Energy Efficiency Code, with amendments herein. *This ordinance was left on the First Reading at the June 05, 2012 City Council meeting.*

City Attorney Kit Williams: I think we should probably table this until July 17th. We have to do some additional notification to comply. When you adopt a code by reference you need to advertise that in the paper and make sure everyone knows they can come see the code in the City Clerk office. I would also ask the Ordinance Review Committee to consider having a quick meeting on that to go over a number of issues related to that before it comes back to the Council.

Alderman Ferrell: Can anyone show me a downside of sending this to the Planning Commission?

Jeremy Pate explained why they normally would not need to take this part of the building code before the Planning Commission.

Alderman Ferrell: So when more than one Alderman brings something to you it does not go through Planning and goes straight to the Council?

Jeremy Pate: Not unless they request that it go to Planning.

Alderman Ferrell: I would hope that we at least send it to Ordinance Review.

Mayor Jordan: That is fine.

Alderman Lewis moved to table the ordinance to the July 17, 2012 City Council meeting and send it to Ordinance Review. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was Tabled to the July 17, 2012 City Council meeting.

RZN 12-4108 (4847 W. Wedington Dr./Bank of Wynne): An ordinance revoking R-PZD 07-2576 (Woodstock) and rezoning that property described in rezoning petition RZN 12-4108, for approximately 31.68 acres, located at 4847 West Wedington Drive from R-PZD, Residential Planned Zoning District 07-2576, to R-A, Residential Agricultural. ***This ordinance was left on the First Reading at the June 05, 2012 City Council meeting.***

City Attorney Kit Williams: Jeremy has a revised ordinance and we should probably read that. It is also in agreement with the land owner.

Jeremy Pate stated that is correct. He gave a brief explanation of the amended ordinance.

City Attorney Kit Williams: I would suggest, if possible, that the City Council would amend the current ordinance to the one that Jeremy is handing out tonight.

Alderman Boudreaux moved to amend the ordinance as submitted by Planning at the City Council meeting. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent during the vote.

City Attorney Kit Williams read the new ordinance.

Alderman Petty: When the Planning Commission denied this the first time do you think the principal concern was community services along the entire frontage, or the remainder of it being RSF-4, or something else entirely?

Jeremy Pate explained the concerns of the Planning Commissioners.

Alderman Petty: I like the mixture of uses a lot more than the original proposal but I'm still hesitant about residential office on Wedington. I wouldn't be comfortable voting for it tonight. I would like to send it back to the Planning Commission.

Alderman Lewis: I spoke with the applicant and I would request that we hold it so he can at least go to the Ward 4 meeting.

Jeremy Kennedy, speaking on behalf of the applicant gave a brief explanation of the ordinance and asked the Council not to send it back to the Planning Commission.

Alderman Kinion: I want to mention what Matthew said along Wedington where you have the R-O, it seems like C-S would be appropriate there. I don't understand why you have 5.6 acres there between 48th Avenue and going west from Wedington and changing that to R-O. It seems out of context with the rest of the land that has been provided to us.

Jeremy Kennedy explained why the area would be zoned R-O.

Alderman Adams: So you will put signs back up and come to the Ward 4 meeting?

Jeremy Kennedy: We would be happy to do both those things.

Alderman Adams: That would be great. I am the most bothered by the fact that we do not have any public notice on the property if we just run through this. I think it's a great plan so far.

Jeremy Kennedy: I don't know what the procedure on that is but I can get with Jeremy and see if we can get those signs put back up.

Alderman Adams: That can be done without going back to Planning Commission then?

Jeremy Pate: Certainly.

Valerie Biendara, resident of Fieldstone off Wedington spoke on the impact this would have on her. She spoke against the ordinance.

Mayor Jordan gave his recollections of a past development that was put in in that area.

Alderman Lewis moved to go to the second reading and hold it there. Alderman Ferrell seconded the motion.

City Attorney Kit Williams clarified that the ordinance was currently on the second reading.

Alderman Lewis: I would like to hold it there.

This ordinance was left on the Second Reading.

R-PZD 12-4079 (N.W. Corner of W. Cleveland St. & Hall Ave./Project Cleveland): An ordinance establishing a Residential Planned Zoning District titled R-PZD 12-4079, Project Cleveland, located at the northwest corner of West Cleveland Street and Hall Avenue; containing approximately 2.71 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the June 05, 2012 City Council meeting.*

Alderman Lewis moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent during the vote.

City Attorney Kit Williams read the ordinance.

Jeremy Pate updated the Council on things that have transpired over the last two weeks regarding the ordinance.

Seth Mims, with The Specialized Real Estate Group gave a presentation on the proposed development.

Alan Wooten, Land Use Attorney addressed some of the comments that have come up regarding the ordinance and explained what the law was with regard to them.

Seth Mims continued with this presentation.

Mr. Baribeau spoke on the transition and architectural styles of the proposed development.

Seth Mims continued with his presentation.

Alderman Kinion: You mentioned a lot about the University of Arkansas but I have not seen any documentation that is from the University. If you have anything I wish you would share it.

Seth Mims: I don't and this is not endorsed by the University.

Alderman Kinion: It is used a lot in supporting arguments.

Seth Mims: The point I am trying to make is that the need is there and our development fulfills that need. I do not mean to indicate that they are endorsing this development in any way.

Alderman Ferrell: What would you say would be the most noticeable difference that people that live in this area would notice when this facility is completely functioning?

Seth Mims: What the surrounding neighborhoods will find is a big improvement. He went on to speak on the noticeable improvements.

Alderman Tennant: Are you the only ones that have gotten this far with the owner as far as making an offer?

Seth Mims: Yes, I do have a contract that is contingent on me getting approval for this PZD. The owner has spoken with the U of A several times and is attempting to enter into a backup offer with them in case my contract does not go through.

Alderman Petty: Are you amenable to the idea of a right out only from your parking garage?

Seth Mims: Yes sir, we are. The Development Services Division may want to review a right turn only. Jeremy, can you speak to that?

Jeremy Pate explained what Development Services would look at when considering the right turn only.

Seth Mims: So perhaps we can make it a condition of approval providing that staff is okay with it?

Alderman Gray: I am concerned about throwing all of the traffic onto Cleveland.

Seth Mims explained his traffic engineer's findings for this area.

Alderman Petty: Is there a way that we can write this condition so that staff may require it if they find it necessary?

City Attorney Kit Williams: We could attempt to do that. Jeremy, are you aware of any other time we have done that?

Jeremy Pate: I can't think of one off the top of my head. He explained other similar instances.

Mayor Jordan: What are the differences between this and what we did with Kum & Go.

Jeremy Pate: It is similar to that.

City Attorney Kit Williams: It was dependent upon the Highway Department.

Seth Mims displayed on the map the area being discussed.

David Orr, resident of 1564 W. Cedar Street expressed his concerns with the amendment.

Alderman Petty gave reasons why this was necessary to do.

Alderman Lewis: I am supportive of this amendment considering that it will also first go to staff.

Alderman Petty moved to amend the ordinance to add a right out only condition of approval with staff approval. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed unanimously.

Brock Showalter, resident of Ward 4 stated the vast majority of us in this Ward do support this project. He went on to speak in favor of the ordinance.

David Carter, a resident of Ward 4 expressed his support and spoke in favor of the ordinance.

Greg McGinnis, resident of 1400 W. Cleveland expressed his concerns with traffic and spoke against the ordinance.

David Beasley, a student from the University of Arkansas stated a majority of the students prefer to walk to class. He went on to speak in favor of the ordinance.

Stephan Comoucho, a student from the University of Arkansas spoke on the importance of walkability and went on to speak in favor of the ordinance.

Kimberly Pearson, resident of 140 S. Hall Avenue spoke on the safety issues that would be alleviated if you lived closer to campus and also spoke on the importance of walkability. She continued to speak in favor of the ordinance.

A student from the University of Arkansas also spoke in favor of the ordinance.

Michael Steven, an International Student from the University of Arkansas spoke in favor of the ordinance and explained the importance of living near the campus.

Johnny Chamberland, a resident of 180 S. Hill Avenue stated I walk or bike to school several times a day. He spoke in favor of the ordinance.

Jennifer Goodwin, resident of 24 S. University Avenue spoke in favor of the ordinance and asked if not these guys than who?

Alderman Gray asked about the behavior at Eco Flats.

Jennifer Goodwin: It's actually pretty quiet and as far as traffic goes I would say that most of those people walk as well.

Alderman Gray: What about the surroundings? Are they well taken care of?

Jennifer Goodwin: They are beautiful and I think it has raised property values.

Steve Dickson II, resident of 1346 Shetland Dr. spoke on the 2030 Plan and went onto speak in favor of the ordinance.

Marybeth Hughes, a trustee for 965 Hall expressed her concerns and went on to speak against the ordinance.

James Cherry, resident of 24 S. University stated I think it is wonderful having good dense housing for students. He went on to speak in favor of the ordinance.

David Orr, resident of 1564 W. Cedar Street expressed his concerns and spoke against the ordinance.

Alderman Ferrell: What do you think about the dormitory right across the street? When you look at the scale it is taller than the proposed site. Were you opposed to the dormitory?

David Orr: I was not living here when those were built.

Alderman Ferrell: The height doesn't bother you?

David Orr: The height is not so much a problem but when the developer showed the aerial photograph, several people sitting around me remarked on how the shadows of the buildings stretch all the way across Cleveland Street to the Bayyari Apartments. This is another issue. When you have tall buildings you have permanent shadows.

An unknown citizen spoke on behalf of the international students and spoke in favor of the ordinance.

John Kester, resident of 1221 W. Mount Comfort Road stated I support the project because of the significant alterations it's made and also the core values behind the project in connecting with a lot of the goals moving forward.

John Coleman, a citizen spoke on the importance of having developers who are willing to use LEED standards. They are trying to meet the goals of the City Plan 2030. I have not been involved with this project but I think there is a track record there and I think they are trying to do the same thing here. He spoke in favor of the ordinance and the project.

Archer Schafer, 1404 West Cleveland we think the important thing is the neighborhood immediately surrounding this project have concerns about it. I think the feelings of the people who live closest to this and that have concerns about the scale, density and impact on traffic are most important and I hope you will pay attention to that. A lot of reference has been made to the 2030 Plan and there is no question that this project is compatible with the 2030 Plan. We are not suggesting that there is anything wrong with the way the project is designed and trying to comply with the 2030 Plan. The problem is the specific site that has been chosen. We disagree that this is the best site in Fayetteville. We appreciate you voting against this.

Alderman Tennant: What would you like to see there?

Archer Schafer, we would be delighted to see Eco Modern Flats recreated there. I was very impressed with that. They are talking about something that is three to four times the density and size of the existing apartment complex there. We believe this is inappropriate infill.

Alderman Kinion: Compare and contrast your opinion of Eco Modern Flats and what your perception is of this development. I also find Eco Modern Flats very attractive. Can you compare the two?

Archer Schafer: It all about the scale and density of the two. This will dwarf everything on the north side of Cleveland. We do not think that is appropriate.

Mike Lieber, 743 Cedarwood asked questions about the traffic on Cleveland. He asked if the traffic studies were done during peak time. He also asked about the bike lanes on Cleveland and if they would narrow the traffic lanes on Cleveland.

David Williams, 547 Gray thanked the City Council and Mayor for paying careful attention to this issue. He thanked Planning staff for doing such good work and the applicant for their response and what they believe is a good way to go for 2030. He also thanked the people in the area that have spoken up. He stated that he does not feel the project is the right scale and density and the traffic study does not seem to be representative of what the residents experience in the area. He is also concerned about the upstream and downstream water and sewer overload possibilities. His big concern is there needs to be some sort of overlay plan with the University to guide development in the area.

Michael Lolley: You have an opportunity to send a clear message as to what we want to see built in Fayetteville and I think it is a project like this. This promotes sustainable, walkable and infill development. I am a huge fan of this type of development. I hope you vote for this project.

Stephanie Foster: This is a beautiful project but those of us in the vicinity of it are very uncomfortable about some issues that we do not feel have been addressed to our satisfaction. There are a lot of traffic problems in our neighborhood. We are having problems at our current density and adding to that density without addressing some of the street problems is a problem for the neighborhood. They have accommodated us in a lot of ways and have addressed some of our concerns but not all of them. My concern is safety and traffic.

Mark Kinion: They have addressed some of the safety in their panning do you not see that as enough.

Stephanie Foster: What they have mostly done is right there at Leverett.

Mark Kinion: Are you seeing a lot of cut through traffic form Sunset to Wedington?

Stephanie Foster: Yes.

Margie Alsbrook spoke in favor of the project. This does not affect one neighborhood it affects everybody.

James Butch Coger spoke in favor of the project. He stated if the University of Arkansas buys this property they do not have to follow city code, they can build anything. In my opinion that building is beautiful and this project involves all of Fayetteville. An overlay district is a must. We need to look at the big picture.

There was a discussion about the impact of this project on the neighborhood.

Alan Long: The growth of the University of Arkansas is essential to the growth of Fayetteville. The neighbors in that neighborhood are nervous. The design elements make this project attractive. Infill and walk ability are important building blocks to establish a more sustainable community. Thoughtful growth planning is the key to building a thriving, infill, and sustainable community. One development is not the key to that. Until we have a campus overlay please say no to this project.

A discussion followed on a university overlay plan.

Alderman Petty: I believe in the process that we have here. Whatever vote happens the margin is probably pretty close to how Fayetteville thinks about these things. I don't think that I have seen any other project, since I have been on the Council that has painted the differences in a neighborhoods fears and desires and the goals of the 2030 Plan in such a sharp relief. He voiced his support of the bike lanes on Cleveland. The improvements, that are going to be made if this project is approved, have been needed for a long time. There are two things every community hates and that is sprawl and density. A university overlay district is a necessity and the 2030 Plan may need to be tweaked, but it does not mean it is not adequate. The fundamentals of the 2030 are absolutely correct.

Alderman Ferrell: This was the best on point presentation incorporating City objectives I have ever witnessed. Planning Commission passed this 7-1.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-1. Alderman Kinion voting no.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: The attorney for the developer seemed to imply that you should not consider with very much weigh the opinions of the neighbors, but you should consider the city as a whole when it comes to a zoning decision. I sent you a memo several years ago about zoning considerations. The Supreme Court has said about public opposition, citizens in the neighborhood are to be considered. The Court also said the opinion of local residents when it reflects logical and reasonable concerns should be considered. Zoning was created to protect neighboring land owners' rights. I think it is important to look at the neighborhood where the proposed zoning is being requested. I am not saying that is the only thing to look at, but that it one of the main factors. You are also supposed to avoid spot zoning. You don't have to be bound by what the neighbors say, but you should consider it.

Alderman Lewis asked some questions about Cleveland Street and the design of the building.

Alderman Lewis moved to amend the ordinance to add more street connectivity, egress and ingress along Cleveland with citizens. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Boudreaux was absent during the vote.

Alderman Adams asked that the citizen that wanted to speak to come to the microphone.

Stacy Park 1636 West Maple stated we love living on Maple and the diversity of the neighborhood. She stated that she loves Leverett Elementary School. I appreciate the work the design team has done and the openness the developer has allowed to express opinions. Once this project is built I am afraid a lot of the surrounding properties will become rental property or be rezoned. I think you will be losing you single family population that supports the existence of Leverett Elementary in its location where it is now and that will leave us with one in town school

instead of two. She voiced her concerns about the density of the project and that there are other properties more appropriate for this project. She also voiced her concern about an increase in traffic because of the project and the current streets and sidewalks around the project. She voiced her concern about the Faye Jones houses that have been built in the neighborhood and the historic value of them.

Alderman Petty: Can someone comment on the traffic studies.

A discussion followed on the traffic studies that were completed and the dates they were conducted.

Ernie Peters, Peters and Associates: The counts were done while the college was in session.

Mayor Jordan: How many cars did you count on Cleveland?

Ernie Peters: At various locations what we found was the 24 hour volume entering the intersection at Hall and Cleveland totaled 7,887 vehicles. With the development as proposed we are estimating a total of 8,667 vehicles, a 7.3% increase at that intersection. All of the intersections we studied continued to be at a very acceptable level of service.

Mayor Jordan clarified the traffic study results.

A discussion continued on the results of the traffic study and the dates the studies were conducted.

Alderman Lewis: Thank you Kit for pointing out that the neighborhood and contributions from citizens are a huge factor in the thought that we put into this. It is important to recognize the amount of changes that were made as a result of the citizen input. I really appreciate that. I am hearing a concern about the traffic and the feeling of encroachment into the neighborhood. I think we have a long term plan which is the 2030 Plan. We must have more research into how we can protect the neighbors around the university. I hope all developments from this point forward have these innovative designs. This is the leading edge of how design can happen. This type of project leads to public transit, walk ability and more pedestrian activity. It also incorporates LEED, energy efficiency and low impact development. Density is not the amount of people but how they are designed, how they flow and how they are in a community together that matters. We need to look at this area because it has needs. I will support this development.

Alderman Gray: This is a difficult decision. I feel this is best for the City of Fayetteville. I understand how the community is concerned. We have traffic problems all over town and we are tackling them as soon as we can. The Planning Commission and staff have approved this. I have never seen such a thorough plan and a developer willing to go the extra mile. I feel this is a project that will benefit Fayetteville. We need more models like this. I support this.

Alderman Adams: Thank you Seth for your good work and Council for all the time we have put into this. I am not going to support this because I have not heard the reasons for the rezoning.

Alderman Tennant: This boils down to change and the question of change and whether it is needed or necessary. The growth at the University is amazing and I think a lot of it is positive. We should not sell our soul as a city to support that growth we should realize that the U of A is a part of our soul, a permanent part of this cities soul. We should look at what we think is best and the best growth for our city and I think we are all doing that. This developer has done what I wish all developers will do in Fayetteville moving forward which is they listened to people and they have reacted to those people. I appreciate what they have done. This allows students to walk and not drive. I think it is a positive.

Alderman Kinion: I have respect for this design team and I think this is the type of design that we want to see in Fayetteville. In this case I have to support the neighborhood and their feelings of how this is going to impact the neighborhood as a community. The sense of community that you have in a neighborhood is irreplaceable. We need to develop some type of plan around the university to handle growth. This is a set into a neighborhood and I hear the concerns of the neighbors that are directly impacted by this. I do not have a specific issue with the design of the project I think it is the wrong time and wrong place. I will not support it.

Alderman Boudreaux: This has been very difficult. I respect the neighborhood and understand their concerns. I do not see us getting an overlay district that the university is going to agree to any time soon. If we do they very likely would say this is a good place to build this. This is a good project. This property is going to sell and we have a project before us that is good and in a good location. I will support it.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Adams and Kinion voting no.

Ordinance 5507 as Recorded in the office of the City Clerk

New Business:

Bid Waiver for Truck Hauling Services: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of truck hauling services through a quote process when purchase through Bid #12-06 as awarded by Resolution No. 21-12 is not available.

City Attorney Kit Williams read the ordinance.

Terry Gulley, Transportation Services Director: We are having difficulty in obtaining haulers for our asphalt. We are asking to be able to obtain quotes each week.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

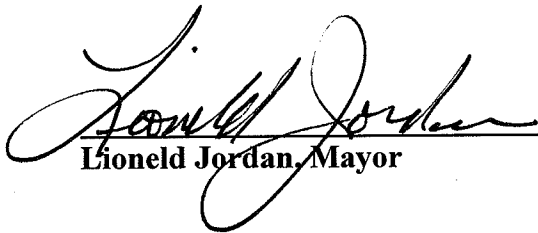
City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5508 as Recorded in the office of the City Clerk

Announcements:

Adjournment: 12:10 a.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer

